

Decision 00-12-049 December 21, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Tracy Louie
for authority to operate as a passenger stage
corporation between points in, Contra Costa and
establish a Zone of Rate Freedom.

Application 00-08-036
(Filed August 18, 2000)

O P I N I O N

Summary

This decision grants the application of Tracy Louie (Applicant), an individual, filed pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226 and to establish a Zone of Rate Freedom (ZORF), pursuant to Pub. Util. Code § 454.2.

Discussion

The application, as amended by letters of October 10 and 13, 2000, requests authority to operate as a PSC specializing in the transportation of children between all points in Contra Costa County.

Applicant will use two vans. The proposed fare is \$10 per child. Applicant will offer discount fares of \$9 per child if the service is used more than 5 times per week, and \$7 per child for two or more children from the same family travelling together to or from the same point of origin and destination. Attached to the application is an unaudited Balance Sheet that discloses assets of \$15,200; liabilities of \$14,350 and net worth of \$850.

Applicant also requests authority to establish a ZORF of (1) \$10 above and \$3 below the proposed fare of \$10; (2) \$6 above and \$4 below the proposed fare of \$9; and (3) \$5 above and \$2 below the proposed fare of \$7. Applicant will compete with other PSCs, taxi cabs, limousines, buses, and automobiles in her service area. The establishment of the ZORF is fair and reasonable.

Decision (D.) 97-07-063 in Rulemaking 95-08-002 adopted rules applicable to carriers primarily engaged in the transportation of unaccompanied children¹ under the age of 18 years in vehicles that accommodate not more than ten persons, except carriers utilizing valid youth bus vehicles, as defined in Vehicle Code § 680, whose seating capacity is sixteen passengers or less, and operate as a common carrier. These rules contained in Appendix A of the decision are applicable to the requested service of applicant, and are in addition to any other requirements applicable to all passenger stage carriers.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 28, 2000. Applicant notified the affected cities and transit agencies. Applicant also notified each public pediatric health director and superintendent of each public school district in the proposed service area and published in *Contra Costa Times*, a California newspaper of general circulation, a notice of the proposed service, for two consecutive days, September 28 and 29, 2000, in compliance with Ordering Paragraphs 7 and 8 of D.97-07-063.

In Resolution ALJ 176-3046 dated September 7, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily

¹ Unaccompanied children as used in D.97-07-063 includes transportation of an affiliated adult accompanying a child during, or incidental to, the transportation at issue.

determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3046.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. By application filed August 18, 2000, and amended by letters dated October 12 and 13, Applicant requests authority to operate as an on-call PSC to transport children, between points and places in Contra Costa County.

2. The rules and regulations for the transportation of children as contained in Appendix A of D.97-07-063 are applicable to the service involved in this application.

3. Applicant has complied with Ordering Paragraphs 7 and 8 of D.97-07-063.

4. Applicant requests authority to establish a ZORF of (1) \$10 above and \$3 below the proposed fare of \$10; (2) \$6 above and \$4 below the proposed fare of \$9; and (3) \$5 above and \$2 below the proposed fare of \$7.

5. Applicant will compete with PSCs, taxi cabs, limousines, buses, and automobiles in her operations. The ZORF is fair and reasonable.

6. No protest to the application has been filed.

7. A public hearing is not necessary.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

9. Public convenience and necessity requires the proposed service.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application, as amended by letters of October 12, and 13, 2000, should be granted.

2. Applicant should be required to comply with the rules and regulations as contained in Appendix A of D.97-07-063, in addition to any other requirements applicable to all passenger stage carriers.

3. The request for a ZORF should be granted subject to condition described the Ordering Paragraphs below.

4. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPCN) is granted to Tracy Louie (Applicant), an individual, authorizing her to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport unaccompanied children under the age of 18 years and affiliated adults who are being transported in accordance with the rules and regulations contained in Appendix A of Decision 97-07-063, and their baggage, between the points and over the route set forth in Appendix PSC-13660 (CHILD-13660), subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
 - c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
 - d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
 - e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
 - f. Maintain accounting records in conformity with the Uniform System of Accounts.
 - g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
 - h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
 - j. Comply with the "Adopted Rules for Infant and Children Common Carriers" contained in Appendix A of Decision 97-07-063.
3. Applicant is authorized under Pub. Util. Code § 454.2 to establish a ZORF of (1) \$10 above and \$3 below the proposed fare of \$10; (2) \$6 above and \$4 below the proposed fare of \$9; and (3) \$5 above and \$2 below the proposed fare of \$7.
4. Applicant shall file a ZORF tariff in accordance with the application on not less than 10 days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.

5. Applicant may make changes within the ZORF by filing amended tariffs on not less than 10 days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Applicant shall post notices explaining fare changes in her terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least thirty days.

7. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to Applicant that her evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicle for service.

8. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

9. The CPCN to operate as PSC-13660 (CHILD-13660), granted herein, expires, unless exercised within 120 days after the effective date of this order.

10. The Application, as amended by letters of October 10 and 13, 2000, is granted as set forth above.

11. This proceeding is closed.

This order is effective today.

Dated December 21, 2000, at San Francisco, California.

LORETTA M. LYNCH
President

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners

Appendix PSC-13660
(CHILD-13660*)

Tracy Louie
(an individual)

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-13492
(CHILD-13660*)

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

*Each vehicle shall contain this identifying symbol on its front and rear bumpers,
visible at a minimum of 100 feet in accordance with the rules contained in
Appendix A of Decision 97-07-063.

Issued under authority of Decision 00-12-049, dated December 21, 2000, of the
Public Utilities Commission of the State of California in Application 00-08-036.

Appendix PSC-13660
(CHILD-13660*)

Tracy Louie
(an individual)

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* Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

Issued by California Public Utilities Commission.
Decision 00-12-049, Application 00-08-036.

Appendix PSC-13660
(CHILD-13660*)

Tracy Louie
(an individual)

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Tracy Louie, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport unaccompanied children who are under 18 years of age and their baggage, provided that children under four years of age shall be accompanied by a parent, guardian, parent or guardian approved by a family member, or an adult supervisor approved by the parent or guardian; and adults affiliated with children passengers may be transported when this is incidental to the transportation of a child. Adults may also be carried to directly pick up a child to be transported, or directly return from accompanying a child. The service shall be provided on an "on-call" door-to-door basis, between points and places as described in Section II over and along the route described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.

* Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS (concluded).

- B. The term “on-call,” as used, refers to service which is authorized to be rendered dependent on the demands of a passenger's parents, guardian or non-carrier affiliated adult supervisor designated by the parent or guardian arranging for a child passenger's transportation and for the transportation of an adult, if any, accompanying a child passenger. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- C. No passengers shall be transported except those having a point of origin or destination as described in Section II.

* Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.

Appendix PSC-13660
(CHILD-13660*)

Tracy Louie
(an individual)

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SECTION II. SERVICE AREA.

Points and places in Contra Costa county.

SECTION III. ROUTE DESCRIPTION.

Commencing from any point in Contra Costa County, then over the most convenient streets, expressways, and highways to any other point in Contra Costa County.

* Each vehicle shall contain this identifying symbol on its front and rear bumpers, visible at a minimum of 100 feet in accordance with the rules contained in Appendix A of Decision 97-07-063.